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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,486	11/28/2000	Dan Goren	P-3763-US	2110
27130	7590	03/12/2004	EXAMINER	
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			HA, DAC V	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

EPLC  
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15 MAR 2004

**Office Action Summary**

Application No.

09/722,486

Applicant(s)

GOREN ET AL.

Examiner

Dac V. Ha

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This application is in condition for allowance except for the following formal matters:
2. A substitute specification including the drawings is required pursuant to 37 CFR 1.125(a) because there is not enough of the top margin space. CFR 1.52 is required a margin of at least  $\frac{3}{4}$  inch (2 cm) at the top of each page of the application. The current specification has many missing information because of the punched holes.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and (c).
3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a description (i.e. label) for all elements in Figure 1 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. Claims 1-12 are objected to because of the following informalities: the acronym NEXT is not spelled out in full in the claims. The acronym NEXT is not commonly recognized and used. Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

5. Claims 1-12 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:

Prior art of record, taking individually or collectively, fails to fairly teach "a method for modem wake-up at steady-state comprising the steps of:

- a) measuring modem performance of any of said native modems;
- b) activating a foreign modem in said modem pool at substantially said foreign modem's maximum data rate and at a power level that is below said-foreign modem's normal operational power level;
- c) allocating at least one NEXT cancellation filter as a probe filter;
- d) iteratively, until i) said foreign modem is operating at said foreign modem's normal operational power level, or ii) said modem performance of any of said native modems has degraded subsequent to activating said foreign modem:
  - dl) cancelling, using said probe filter, NEXT caused to at least one of said native modems by said foreign modem;
  - d2) measuring modem performance of any of said native modems; and
  - d3) if said modem performance of any of said native modems has not degraded subsequent to activating said foreign modem, increasing said foreign modem's power level; and

e) if said modem performance of any of said native modems has degraded subsequent to activating said foreign modem, deactivating said foreign modem" in independent claim 1 and similarly in independent claims 4, 7 10 (claims 2-3, 5-6, 8-9, 11-12 depend therefrom). Thus, claims 1-12 are found to be novel and unobvious over prior art of record.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bremer (US 6,160,790) discloses a Crosstalk Canceller System And Method.

Bellenger (US 6,188,669) discloses an Apparatus For Statistical Multiplexing And Flow Control Of A Digital Subscriber Loop Modems.

Shteiman (US 6,687,288) discloses a NEXT Cancellation For Modem Pools.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dac V. Ha whose telephone number is 703-306-5536. The examiner can normally be reached on 5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dac V. Ha  
Examiner  
Art Unit 2634



**STEPHEN CHIN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**